

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
FILE NUMBER:

Omaha District, South Dakota Regulatory Office
200430164

REGULATORY PROJECT MANAGER:

Andy Mitzel

Date: 7/19/2004

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office N (Y/N)

Date: _____

At the project site Y (Y/N) **Date:** 7/8/2004

PROJECT LOCATION INFORMATION:

State:

South Dakota

County:

Hamlin

Center coordinates of site by latitude & longitudinal coordinates:

Lat 44-36-57.2290 Long 97-05-09.4496

Approximate size of site/property (including uplands & in acres):

40 acres

Name of waterway or watershed:

Upper Big Sioux Watershed

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole	X								
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary ☐ Or Approved ☒.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The project consists of constructing an access road through a wetland to access a development area. The site is native prairie with a 0.76 acre palustrine wetland located in a closed basin. A site visit was conducted on 8 July 2004 and it was determined that the wetland was isolated. The wetland has no obvious interstate commerce ties, nor does it appear to be able to float a boat for navigational purposes.